IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1768 OF 2005

Bhuvanindra Padmanabhan Putran ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.U.N.Tripathi for the Petitioner
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 12,2005

P.C.:

1. Heard Counsel appearing for the parties. The challenge in this Petition under Article 227 of Constitution of India is to the order of externment passed under Section 56(1) (a) (b) of Bombay Police Act,1951. One of the challenges in the Petition is that the Authority which passed the order of externment has relied upon extraneous material in the order which does not find place in the show cause notice.

2. The learned Counsel for the Petitioner invited my attention to the following material in the order of externment:

"(b) He along with his associates terrorises the people, whom he suspects to have informed the police about his criminal deeds and illegal activities by assaulting and threatening them at the point of lethal weapons which are offences punishable under Chapter XVI and XXII of the Indian Penal

Code."

3. He submitted that the said allegation does not find place in the show cause notice.

4. The learned A.P.P. could not point out the said allegation in the show cause notice dated 13th September 2004.

5. Thus, it is obvious that the Petitioner had no opportunity to file any reply to the said allegation which is found in the order of externment. Thus, the order is vitiated due to non compliance with principles of natural justice. Only on this ground the order of externment and order passed by the Appellate Authority is required to be quashed and set aside.

6. Accordingly, rule is made absolute in terms of prayer clauses (C) and (D).

. Parties to act upon an authenticated copy of this order.

JUDGE